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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,328	07/31/2001	Edith H. Stern	I01.032	5242

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BMT/IBM
FIVE ELM STREET
NEW CANAAN, CT 06840

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/919,328	Applicant(s) STERN ET AL.	
	Examiner Lewis A. Bullock, Jr.	Art Unit 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-35-67 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-35-67 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the business entities to the sources. Independent claim 1 details receiving first data owned by a first business entity and receiving second data owned by a second business entity while dependent claim 3 details that the first data is received from a first source and the second data is received from a second source. There is a gap between the business entities to the sources. It is further interpreted by the Examiner that the business entities are sources as detailed in dependent claim 3. If the Examiner, is correct in this interpretation then Applicant is requested to amend the claims in both claims to read a business source entity when referring to the business entity that is a source for respective data.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-35, 67 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over THEIMER (U.S. Patent 5,544,321).

As to claim 1, THEIMER teaches providing a service, comprising: receiving a request for a service from a user (col. 22, lines 48-51); identifying a first data type and a second data type for determining a type of service (via determining and retrieving types of contextual information to process the request) (col. 22, lines 51-67; col. 10, lines 9-62); receiving first data of the first data type (one type of contextual information), the first data associated with the user and owned by a first entity (entity storing the contextual information); receiving second data of the second data type (another type of contextual information), the second data associated with the user and owned by a second entity (entity storing the contextual information) (col. 23, lines 1-8; col. 23, lines 13-43); determining the type of service to provide to the user based on the first data and the second data (whether the service can be performed based on the information obtained) (col. 23, lines 44-48); and providing the service to the user based on the determined type of the service (performing the appropriate actions based on the evaluation) (col. 23, lines 48-53). See also col. 23, line 56 – col. 24, line 27 wherein the service is to send a private document to the nearest available printer when there is no one else there. See also col. 24, lines 27-67 wherein the service is to receive a message reminder for a meeting with another user when no one else is around. In each of these scenarios one has to access the context information from a profile manager, calendar, or other entity that stores information relevant to the user for invoking an action. However, THEIMER does not explicitly mention that the entities that store context information are business entities. THEIMER does teach that context information can be meeting appointments, profiles, location information, environmental information and

contextual controls that are received from profile managers, calendars, and other entities that store this information (col. 4, lines 30-54; col. 10, lines 9-62). Official Notice is taken in that it is well known in the art that calendars and entities that store location and environmental information are business entities and therefore would be obvious in view of THEIMER in order access information in an business environment to perform actions.

As to claims 3-22 and 27, THEIMER teaches the receiving first and second data in order to determine whether to provide a service wherein the data is state data, application data, real-time data, location data, user preference data, I/O data, and proximity data (col. 10, lines 9-46; col. 10, lines 52-62). THEIMER also teaches that the invention allows for various modifications, variations, and extensions within the scope of the invention (col. 30, lines 11-17). However, THEIMER does not mention other types of data, i.e. facial gesture data, body temperature data, purchase data, news, or weather data. Official Notice is taken in that these types of data are well known in the art and would be obvious in view of THEIMER in order to further determine access to a service.

As to claims 23 and 24, THEIMER teaches the receiving first and second data in order to determine whether to provide a service (execute a RPC or return data) wherein the data is state data, application data, real-time data, location data, user preference data, I/O data, and proximity data (col. 10, lines 9-46; col. 10, lines 52-62). THEIMER

also teaches that the invention allows for various modifications, variations, and extensions within the scope of the invention (col. 30, lines 11-17). However, THEIMER does not mention charging of a payment for the service. Official Notice is taken in that it is well known in the art that service providers charge a payment for using their service.

As to claims 25 and 26, THEIMER teaches the receiving first and second data in order to determine whether to provide a service (execute a RPC or return data) wherein the data is state data, application data, real-time data, location data, user preference data, I/O data, and proximity data (col. 10, lines 9-46; col. 10, lines 52-62). THEIMER also teaches that the invention allows for various modifications, variations, and extensions within the scope of the invention (col. 30, lines 11-17). However, THEIMER does not mention the service is the displaying of an advertisement. Official Notice is taken in that it is well known in the art that a service is an advertisement that is requested for display.

As to claims 28-31, 33, and 34, THEIMER teaches determining a state (current state of the UserAgent / location) based on the first and second data wherein the state may indicates busy or available (via Boolean value indicating whether the user is available for telephone calls) (col. 11, lines 60-62) and identifying the users to a third party (another client / Location Service) via an alert (callback), if the state corresponds to a target state (col. 12, lines 10-67).

As to claim 32, THEIMER teaches the first and second data is received pull protocol (via locating and reading the information) (col. 10, lines 52-62).

As to claim 35, THEIMER teaches the first and second data is transmitted by a wireless protocol or a wire-line protocol (col. 5, lines 59-65; col. 6, lines 27-33).

As to claim 67, reference is made to a medium that corresponds to the method of claim 1 and is therefore met by the rejection of claim 1 above.

As to claim 69, reference is made to an apparatus that corresponds to the method of claim 1 and is therefore met by the rejection of claim 1 above.

Response to Arguments

4. Applicant's arguments filed 8/26/04 have been fully considered but they are not persuasive. Applicant argues that agents/entities that store location information and calendar information in Theimer cannot be business entities and therefore the teachings of Theimer does not teach receiving first data of the first data type and second data of the second data type from a first and second business entity in order to determine a type of service to provide to the user based on the first and second data. The examiner disagrees. First, referring to both the specification and the further dependent claims Applicant illustrates that the source of the first data and second data, herein the business entities, include an electronic calendar, a messaging application, a user, a

data carrier, as well as other devices/programs. Therefore, in relation to independent claim 1, these interpretations are used to define a business entity. Secondly, Applicant has provided no reasoning in the claims or the response which defines what is considered to be a business entity which differs from this interpretation. Therefore, any entity capable of giving a particular type of data in a business environment is a business entity. Theimer teaches that the invention retrieves types of information from the multiple respective sources in order to determine whether a requested request can be performed. Theimer's invention also adjusts the action or doesn't perform the action based on the context information retrieved. Some scenarios of Theimer's system is printing a document on a network printer when no one else is around the printer, or sending a meeting reminder message to a attendee when no one or particular people is near the users' screen. Theimer states that the invention includes any modifications, variations, and extensions consistent within the scope of the invention. Typically, meetings are performed in a business environment and therefore Theimer's invention is applicable in a business environment. Therefore, the examiner believes that the Theimer adequately teaches business entities and the steps of receiving first data and second data from a first and second business entity in order to determine a type of service to provide to the user based on the first and second data.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

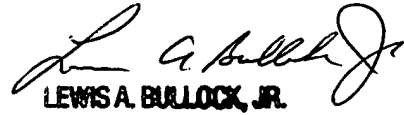
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2127

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

January 4, 2005